



PLANNING DIRECTOR'S HEARING AGENDA

WEDNESDAY, October 10, 2007

9:00 a.m.
City Council Chambers
City Hall

200 East Santa Clara Street
San Jose, California 95113-1905

Hearing Officers

John R. Poindexter, Planning Official

Susan Walton, Principal Planner

**Joseph Horwedel, Director
Planning, Building, and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **October 10, 2007**. My name is _____ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- I will identify the project as described on the agenda
- Staff will provide a brief report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The public hearing will then be closed and I will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed. The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

Note: If you have any agenda changes, please contact Maria Rodriguez (maria.rodriguez@sanjoseca.gov).

AGENDA
ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

The matter of deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be considered together. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. [TR07-250](#). Tree Removal Permit to allow the removal of one Pine Tree approximately 56-inches in circumference from the rear yard of an existing single-family residential lot in the R-1-8 Single-Family Residence Zoning District, located at/on the 1390 Danby Avenue (Rubio Erma L, Owner). Council District 4. CEQA: Exempt.
(Project Manager: Edward Schreiner)
- b. [TR07-260](#). Tree Removal Permit to remove one live Pepper tree 75 inches in circumference located on the left side of an existing single family detached residence on an 0.18 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 1461 Cliff Drive (Culbertson Michael R And Janice L, Owner). Council District 4. CEQA: Exempt.
(Project Manager: Licinia McMorrow)
- c. [TR07-256](#). Tree Removal Permit for one giant sequoia 147 inches in circumference, previously removed without benefit of permit, located in the front yard of a single-family house in the R-1-5 Single-Family Residence Zoning District, located at 900 Eden Avenue (Janssen Peter, Owner). Council District 1. CEQA: Exempt.
(Project Manager: Edward Schreiner)
- d. [TR07-235](#). Tree Removal Permit to remove one Cypress tree, 104 inches in circumference, from the front yard of an existing single-family residence located on a 0.21 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 6548 Bose Lane on the southeast corner of Bose Lane and Washoe Drive. (Wilson H Curtis And Lela S Trustee, Owner). Council District 10. CEQA: Exempt.
(Project Manager: Licinia McMorrow)

- e. [TR07-238](#). Tree Removal Permit for the removal of one Tilia Cordata, 60 inches in circumference, from the rear yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 1112 Glenn Avenue (Heath Rosemary A And Coulter Richard R Jr, Owner). Council District 6. CEQA: Exempt.
(Project Manager: Edward Schreiner)
- f. [TR07-247](#). Tree Removal Permit to remove one Monterey Pine tree, 98 inches circumference, from the front yard of a single family residence on a 0.18 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 1591 Puerto Vallarta Drive (Corbett Colin P And Joan C Trustee, Owner). Council District 10. CEQA: Exempt.
(Project Manager: Michelle Stahlhut)
- g. [TR07-251](#). Tree Removal Permit to allow the removal of two Pine trees, 62 and 70 inches in circumference from the rear yard of an existing single-family detached residential lot in the R-1-8 Single-Family Residence Zoning District, located at 1341 Carrie Lee Way (Vidya Tirupathi, Owner). Council District 9. CEQA: Exempt.
(Project Manager: Chris Burton)
- h. [TR07-233](#). Tree Removal Permit request to remove two Pine Trees, 84 and 80 inches in circumference, from the side yard of a single-family detached residence in the R-1-8 Single-Family Residence Zoning District, located at 3474 Cherry Avenue (Sylvia Ortiz, Owner). Council District 9. CEQA: Exempt.
(Project Manager: John Davidson)
- i. [TR07-164](#). Tree Removal Permit to allow removal of one (1) Stone Pine and one (1) Oak tree, 72 and 64 inches in circumferences respectively, on a 0.15 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 5015 Joseph Lane (Marcia G Ratcliffe, Owner). Council District 9. CEQA: Exempt.
(Project Manager: Suparna Saha)
- j. [SP07-038](#). Special Use Permit to demolish an existing gas station and all associated structures on a 0.56 gross acre site in the CP Pedestrian Commercial Zoning District, located at the northwest corner of Branham Lane and Kirk Road (1605 BRANHAM LN) (Albert A Parmisano, Owner). Council District 9. SNI: None. CEQA: Exempt.
(Project Manager: Suparna Saha)
- k. [H07-033](#). Permit to establish a landscape plan and to remove two Palm trees (approximately 101 and 96 inches in circumference) and one Brazilian Pepper tree (non-ordinance size) in the front yard of two four-plexes in the R-M Multiple Residence Zoning District located at 5656 and 5662 Tucson Drive (John R. and Hadie H. Lane Trustee, Owner). Council District 10. CEQA: Exempt.
(Project Manager: Rachel Roberts)
- l. [TR07-169](#). Tree Removal Permit to remove one White Ash Tree, 86 inches in circumference, from the side yard of an existing single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 4902 Moorpark Avenue (Jack Wang, Owner). Council District 1. CEQA: Exempt.
(Project Manager: Martina Davis)

- m. [TR07-209](#). Tree Removal application to remove one (1) Monterey Pine approximately 70 inches in circumference on a R-1-8 Single-Family Residence Zoning District, located at 148 S 33rd Street. (B. Delao, Owner). Council District 5. CEQA: Exempt.
(Project Manager: Suparna Saha)
- n. [H07-038 \(Formerly TR07-202\)](#). Site Development permit request for modification of landscape design and the removal of three live eucalyptus trees measuring 91-, 70-, and 50-inches in circumference located on a 4.71 gross acre site in the A-Agricultural Zoning District, located on the north side of Hellyer Avenue, approximately 350 feet easterly of Sacramento Avenue (801 Hellyer Av) (The First Assembly Of God Church, Owner). Council District 7. CEQA: Exempt.
Deferred from 9/26/2007.
(Project Manager: Sanhita Mallick)
- o. [TR07-265](#). Tree Removal Permit for one live Mulberry tree measuring 75 inches in circumference and located in rear yard of a two family lot in the R-2 Two-Family Residence Zoning District, located at/on the 3941 RHODA DR (Freitas John R And Carole J Trustee, Owner). Council District 1. CEQA: Exempt
(Project Manager: Martina Davis)
- p. [TR07-249](#). Tree Removal permit to remove one Monterery Pine tree (*Pinus radiata*), approximately 121 inches in circumference, in the rear yard of a single-family residence on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 5315 Kentfield Drive (Huongmai Van, Owner). Council District 9. CEQA: Exempt.
(Project Manager: Rachel Roberts)
- q. [TR07-254](#). Tree Removal Permit to remove one Silve Maple tree approximately 72 inches in circumference from the front yard of an existing single-family residence on a 0.17 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the east side of Rafton Drive, approximately 400 feet south of Dalton Drive. (5204 RAFTON DR) (Rowland Trevor C And Marilyn A Trustee, Owner). Council District 9. CEQA: Exempt.
(Project Manager: Michelle Stahlhut)
- r. [TR07-200](#). Tree Removal Permit to remove one Walnut tree 93 inches in circumference from the rear yard of a single-family detached residence in the R-1-8 Single-Family Residence Zoning District, located on the west side of S. 17th Street between E. San Fernando and E. San Antonio Streets (145 S 17TH ST) (Gertman Richard L Et Al, Owner). Council District 3. CEQA: Exempt.
(Project Manager: Michelle Stahlhut)
- s. [HA85-269-01](#). Site Development Permit Amendment to remove Atlas Cedar tree approximately 63 inches in circumference on a 0.2 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the north side of West Santa Clara Street, approximately 100 feet west of North San Pedro Street (163 W SANTA CLARA ST) (Farmers Union The, Owner). Council District 3. CEQA: Exempt.
(Project Manager: Michelle Stahlhut)

- t. [SP07-050](#). Special Use Permit to allow demolition of existing buildings/structures and relocate soil within a 15-foot deep remediation hole on a 29.85 gross acres site, for property located in the (IP) Industrial Park, and (HI) Heavy Industrial Zoning Districts, located at/on the southwest corner of East Brokaw Road and Old Oakland Road (1633 Old Oakland Road and 1040 East Brokaw Road) (Markovits And Fox Inc, Owner; The Riding Group, Ton Quagilia, Developer). Council District 4. SNI: None. CEQA: Reuse of an existing Environmental Impact Report: Fox Property General Plan Amendment GP06-04-02, SCH#: 2006072020.
Deferred from 9/26/2007
(Project Manager: John Baty)
- u. [TR07-255](#). Tree Removal Permit to allow the removal of one California Coastal Live Oak tree (*Quercus agrifolia*), approximately 151-inches in circumference, from the rear yard of an existing single-family residence on a 0.30 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 6817 Shadow Mountain Court (William G. Roth and Mary A. Roth Trustee, Owner). Council District 10. CEQA: Exempt.
(Project Manager: Rachel Roberts)
- v. [PD07-065](#). Planned Development Permit to construct five detached, single-family residences on a 0.56 gross acre site in the A(PD) Planned Development Zoning District, located /on the east side of Senter Road, approximately 280 feet southerly of Nokomis Drive (Mazen Kawadri, Owner). Council District: 2. SNI: None. CEQA: Exempt.
(Project Manager: Avril Baty)
- w. [SF07-047](#). Single Family House Permit, Type 2, for a 2,710 square-foot two story residence and the removal of an existing one-story residential structure of 1,251 square feet on a 0.12 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 934 Nevada Avenue (Curtis Swartz, Owner). Council District: 6. SNI: None. CEQA: Exempt.
(Project Manager: Avril Baty)
- x. [TR07-240](#). Tree removal permit for one Evergreen Ash tree measuring 80 inches in circumference on a 0.04 gross acre site in the A(PD) Planned Development Zoning District, located at 511 Dix Way (Andrew And Kathleen Robinson, Owner). Council District 6. CEQA: Exempt.
(Project Manager: Martina Davis)
- y. [TR07-253](#). Tree removal permit to remove one Black Walnut tree, 100 inches in circumference, from the rear yard of an existing single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 1678 Fairwood Avenue (Kelley Jeffrey And Annette G, Owner). Council District 9. CEQA: Exempt.
(Project Manager: Martina Davis)
- z. [PD07-029](#). Planned Development Permit to construct two detached and two attached single-family residences on a 0.26 gross acre site in the A(PD) Planned Development Zoning District, located at/on the east side of Boynton Avenue, approximately 350 feet northerly of Williams Road (962 BOYNTON AV) (Ettefagh Farajollah Et Al, Owner). Council District 1. SNI: Blackford. CEQA: Exempt.
Deferred From 9/12/2007 and 9/19/2007.
(Project Manager: Martina Davis).

- aa. [PT07-026](#). Tentative Map application to subdivide one lot into five lots for two attached and two detached single-family residences in the A(PD) Planned Development Zoning District, located on the east side of Boynton Avenue, approximately 350 feet northerly of Williams Road (962 BOYNTON AV) (Ettefagh Farajollah Et Al, Owner). Council District 1. SNI: Blackford. CEQA: Exempt.
Deferred From 9/12/2007, 9/19/2007, and 9/26/2007.
(Project Manager: Martina Davis).
- bb. [SP06-054](#). Special Use Permit to allow the removal and replacement of a structurally failing swimming pool/spa and retaining walls on a hillside site on a 4.8 gross acres site in the R-1-8 Single-Family Residence Zoning District, located at/on the south side of Wooded Lake Drive across from Red Holly Court (7150 WOODDED LAKE DR) (Abuzayyad Fatimah D, Owner). Council District 10. SNI: None. CEQA: Exempt.
(Project Manager: Michelle Stahlhut)
- cc. [PDA05-094-01](#). Tree Removal Permit to allow the removal of one California Black Walnut, approximately 119 inches in circumference, on a 56 residential units development of a 2.33 gross acres site in the A(PD) Planned Development Zoning District, located on the East side of Almaden Road, approximately 150 feet north of Canoas Garden Avenue (9851 Tract) (The Olson Company, Olson 737 Sj 1 Llc, Owner). Council District 6. CEQA: Exempt.
(Project Manager: Rachel Roberts)
- dd. [TR07-175](#). Live Tree Removal permit for two Cottonwood Trees, 72 in and 66 in circumference, on a single family residential lot in the A(PD) Planned Development Zoning District, located at 1783 Lucca Place (Qianzhong and Zhenfang Zhang, Owners). Council District 8. CEQA: Exempt.
(Project Manager: Reena Mathew)
- ee. [TR07-234](#). Tree removal permit for three live pine trees measuring 57, 70, and 76-inches in circumference on a 0.19 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 6994 Bret Harte Drive (Ed and Gwendolyn Anderson, Owners). Council District 10. CEQA: Exempt.
(Project Manager: Reena Mathew)
- ff. [TR07-264](#). Tree Removal Permit to allow the removal of one Palm Tree, approximately 59-inches in circumference from the front yard of an existing single-family detached residential lot in the R-1-8 Single-Family Residence Zoning District, located at 426 South 13TH ST (Barbara Kempczinski, Owner). Council District 3. CEQA: Exempt.
(Project Manager: Reena Mathew)

The consent calendar is now closed.

3. PUBLIC HEARING

- a. The projects being considered are located at the terminus of Duckett Way, approximately 420 feet east of South De Anza Boulevard (1566 Duckett Way), in the A(PD) Planned Development Zoning District (Barry Swenson, Owner/Developer). Council District 1. SNI: None. CEQA: Addendum to a Mitigated Negative Declaration
- 1) **PD07-044**. Planned Development Permit to allow construction of 17 new single-family attached residential units, one new single-family detached residence, and preservation of one existing single family residence on a 1.82 gross acres site. The project includes demolition of existing outbuildings adjacent to the single-family residence which is to be preserved, and removal of FIVE ordinance-sized trees (three deodar cedars, two of which are 27 inches in diameter, one of which is 23.5 inches in diameter, and two walnut trees, 18.5 inches and 18 inches in diameter). Please note that the previous hearing notice had indicated that only three ordinance-sized trees were proposed for removal. This revised hearing notice is to transmit that two additional ordinance sized trees (for a total of five ordinance-sized trees) are proposed for removal. Continued from 9/26/2007.
(Project Manager: Reena Mathew)
- 2) **PT07-034**. Planned Development Tentative Map Permit to subdivide 1 parcel into 19 lots for single-family attached and detached residential uses and common and open space uses on a 1.82 gross acres site. Continued from 9/26/2007.
(Project Manager: Reena Mathew)
- b. **PDA06-062-01**. Planned Development Permit Amendment to construct 743 Single-Family residences on a 29.6 gross acres site in the A(PD) Planned Development Zoning District, located on the west side of Monterey Road at Gobel Lane (9831 TRACT) (Roem Development Corp, Owner). Council District 7. SNI: None. CEQA: Reuse of Final EIR
(Project Manager: Martina Davis)
- c. **PDA71-023-01**. Live Tree Removal Permit for the removal of up to 41 live trees, including Tulip, Magnolia, and Alder trees, ranging in size from approximately 53 to 107 inches in circumference, located in common areas of a multifamily residential property in the A(PD) Planned Development Zoning District, located between Moorpark Ave. and Highway 280, from the east side of John Misa Court to approximately 110 feet west of Hazel Dell Way (Strawberry Square Townhomes HOA (owner), 4530 STRAWBERRY LN) Council District 1. CEQA: Exempt.
(Project Manager: Martina Davis)
- d. **H07-018**. Site Development Permit to construct 888,860 square feet for office uses on a 14.1 gross acres site in the IP Industrial Park Zoning District, located at the southeast corner of State Route 237 and North First Street (101 HOLGER WY) (Hunter Storm, Owner). Council District 4. SNI: None. CEQA: NSJ EIR Resolution No.72768, and Addenda thereto.
(Project Manager: Chris Burton)

This concludes the Planning Director's Hearing for October 10, 2007. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:

<http://www.sanjoseca.gov/planning/hearings/default.asp>

PUBLIC INFORMATION COUNTER

(408) 535-7800 CITY OF SAN JOSE